

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,465	03/25/2004	Ryan Price	RP-001-US	9323

31955 7590 06/02/2005

ROSENFELD ALW CORPORATION
2165 FILBERT STREET
SUITE 200
SAN FRANCISCO, CA 94123

EXAMINER

HAYES, BRET C

ART UNIT	PAPER NUMBER
----------	--------------

3644

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,465

Applicant(s)

PRICE, RYAN

Examiner

Bret C Hayes

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 13-16 and 18 is/are allowed.
6) ☒ Claim(s) 1-12 and 17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 – 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 8 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the collar" in 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 6, 7, 9, 10 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,792,893 B1 to Quintero et al. (*Quintero*), as cited in the office action mailed 20 DEC 04.

Art Unit: 3644

7. Re – claim 1, Quintero discloses the claimed invention including an integrated pet leash, see Fig. 1, for example, comprising a restraint, see collar of Fig. 6, having an inner side and an outer side*, a handle 14 having a first end, near 20A, and a second end, near 20B, first and second retraction members 24A, 24B, fastened to the outer side of the restraint* - they are via members 10A, and 10B, for example - and first and second flexible elongated members 12A, 12B, wherein the first flexible elongate member 12A is coupled between the first end 20A and the first retraction member 24A, and the second flexible elongate member 12B is coupled between the second end 20B and the second retraction member 24B, wherein the first and second retraction members 24A, 24B exert a force on the first and second flexible elongated members 12A, 12B toward the restraint.

*Regarding: 1. a restraint having an inner side and an outer side; and, 2. first and second members fastened to the outer side of the restraint, 1) any 'restraint' would inherently include an inner side and an outer side as an inherent ingredient – even a rope would have a 'side' facing out and a 'side' facing in, and 2) since, in this case, even Quintero discloses it being well known in the prior art to use a normal collar, as seen in Fig. 6, for example, to fasten leash members to the outer side of a collar would then be inherent, implied or at the least well known in the art, since rarely, if ever, would one fasten a lead to an inner side of a collar.

Further, regarding first and second members fastened to a restraint, while Quintero discloses the leash being for two pets, each would have a 'restraint' and the members would be fastened to the 'restraint' as claimed.

Art Unit: 3644

8. Re – claim 2, Quintero further discloses the handle **14** including a first handle portion **14A** and a second handle portion **14B** detachably* coupled together and configured to form a loop, as seen in Fig. 1, forward of **38**, for example, when coupled together.

*Regarding the portions **14A**, **14B** detachably coupled together, it is well known in the art that the ability to provide maintenance to a product often requires the ability to disassemble the product, in this case, the portions from each other. In that sense, then it would inherent or implied that the portions were detachably coupled together. Alternatively, even were the two portions intended to remain attached, one could utilize a ‘technician’s tool’, such as a hammer, to detach the coupling of the two portions.

9. Re – claim 6, Quintero discloses the claimed invention including the first and second retraction members **24A**, **24B** being retractable reels, as seen in Fig. 2, for example.

10. Re – claim 7, Quintero discloses the claimed invention including the restraint being configured as a collar as set forth above.

11. Re – claim 9, Quintero discloses the claimed invention including an integrated pet leash, see Fig. 1, for example, comprising a means for restraining, see collar of Fig. 6, having an upper side on top of the pet and an under side under the pet, see Fig. 6, for example, a means for holding **14** the leash, a means for connecting **10A**, **10B**, **12A**, **12B** the restraining means to the holding means **14**, a means for retracting **24A**, **24B** the connecting means **10A**, **10B**, **12A**, **12B** into an unextended position and for housing **14A**, **14B** the connecting means **10A**, **10B**, **12A**, **12B** in the unextended position, wherein the means for retracting **24A**, **24B** is located on an upper side of the means for restraining*, and wherein the means for retracting **24A**, **24B** exert a force on the means for connecting **10A**, **10B**, **12A**, **12B** toward the means for restraining.

Art Unit: 3644

*Regarding the retracting means being 'located' on an upper side of the means for restraining, this would be the location of any such normal device. One would normally 'locate' the handle 14, and all its components above the animal being walked, and, hence, on an upper side of the restraining means.

12. Re – claim 10, Quintero further discloses the handle 14 including a first handle portion 14A and a second handle portion 14B detachably coupled together and configured to form a loop, as seen in Fig. 1, forward of 38; for example, when coupled together. See claim 2 above.

13. Re – claim 17, see rejection of claim 9 above regarding an upper side of a restraint.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3 – 5, 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quintero as applied above.

16. Re – claims 3, 4, 11 and 12, Quintero discloses the invention as claimed except for the first and second handle portions being detachably coupled together by 1) a latch mechanism and 2) a hook and loop fastener. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a latch and a hook and loop fastener for the disclosed coupling, since the equivalence of a latch and a hook and loop fastener and the coupling as disclosed for their use in the coupling art and the selection of any known equivalents to a latch and a hook and loop fastener would be within the level of ordinary skill in the art.

Art Unit: 3644

17. Re – claim 5, Quintero discloses the invention as claimed except for the first and second elongated members **12A**, **12B** being constructed from steel wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize steel wire, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

18. Re – claim 8, Quintero discloses the invention as claimed except for the restraint being configured as a harness. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a harness for the collar as disclosed, since the equivalence of a collar and a harness for their use in the restraining art and the selection of any known equivalents to a collar would be within the level of ordinary skill in the art.

Allowable Subject Matter

19. Claims 13 – 16 and 18 are allowed.

20. The following is a statement of reasons for the indication of allowable subject matter: (claim 13) the prior art of record neither discloses nor fairly teaches first and second retractable reels being fastened to the outer side of the collar a distance approximately from the first end of the handle to the second end of the handle. Claims 14 – 16 and 18 depend upon claim 13 and are therefore also allowable.

Conclusion

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

Art Unit: 3644

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu, can be reached at (571)272 – 7045. The fax number is (703) 872 – 9306.

bh

30-May-05



MICHAEL J. GAGNE
SUPERVISORY PATENT EXAMINER